



## COMMUNITY AND ECONOMIC DEVELOPMENT

### M E M O R A N D U M

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DATE: March 26, 2008

TO: Ray Giometti, Planning Commission Chair  
Members of the Planning Commission

FROM: Thara Johnson, Associate Planner

SUBJECT: **Docket- 06-16 - Fast Food and Note 22**

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**ISSUES:** Should fast food be permitted as a stand alone retail use in commercial zoning districts? If permitted as a by-right use, are there some zoning districts which should be excluded from this allowance? Revise the reference to size requirements in the Center Village zone which do not apply?

**RECOMMENDATION:** Revise zoning use tables (4-2-060 and 4-2-070) and note 22 (4-2-080) to provide for fast food and restrict locations of drive-throughs in the following zones:

- Commercial Village (CV) (Restriction of drive-through)
- Commercial Arterial (CA)
- Center Downtown (CD) (Restriction of drive-through)
- Urban Center North 1 (UC-N1) (Restriction on size)
- Light Industrial (IL) (Restricted to locations within the EAV)

Revise existing definitions for “drive-in drive-through retail or service” and “fast food”. Revise note 22 to reference size restrictions; add new notes for proposed restrictions on fast food restaurants and relocate restrictions for office and conference uses in the CV zoning district as a separate note.

**BACKGROUND:**

Currently, the City of Renton permits fast food establishments as an accessory use in several zoning districts; Commercial Neighborhood (CN), Commercial Village (CV), Commercial Arterial (CA), Center Downtown (CD), Urban Center North Zones (UC-N1 and UC-N2), Light Industrial (IL), Medium Industrial (IM) and Heavy Industrial (IH) zoning districts. However, fast food restaurants are not permitted, which is a technical discrepancy in the code since it is classified as an “eating and drinking establishment”, whereas the definition for “*eating and drinking establishments*” excludes fast food.

The definition for “*eating and drinking establishments*” reads “*a retail establishment selling food and/or drink for consumption on the premises or for take-out, including accessory on-site food preparation. This definition includes, but is not limited to, restaurants, cafes, microbrew establishments, and espresso stands. This definition excludes taverns; fast food; entertainment clubs; dance clubs; and/or dance halls*”.

The drive through component for fast food restaurants is permitted through “drive-in/ drive-through retail”, and the definition reads “*A business or a portion of a business where a customer is permitted or encouraged either by the design of physical facilities or by service and/or packaging procedures, to carry on business in the off-street parking or paved area accessory to the business, while seated in a motor vehicle. In some instances, customers may need to get out of the vehicle to obtain the product or service. This definition shall include but not be limited to fast-food restaurants, espresso stands, and drive-in services at banks and pharmacies. This definition excludes vehicle service and repair, vehicle fueling stations, and car washes*”. However, CN, CV, CA, CD, UC-N1, UC-N2, IL, IM, and IH only permit drive-in/ drive-through retail services as an accessory use, which is defined as “*uses customarily incidental and subordinate to the principal use and typically located upon the same lot occupied by the principal use*”. Therefore, fast food restaurants with a drive-through are not permitted except when incidental to a principal use, therefore typically as part of a larger commercial or industrial development.

Another issue relates to the fact that note 22 has three separate topics. Additionally, the three zoning districts which reference this note are the CN, CV and CA zoning districts. The note reads “*size restrictions apply per use in RMC 4-2-120A. In the CN Zone, fast food establishments are prohibited. In the CV Zone, no office and conference uses are allowed for parcels fronting, or taking primary access from, Edmonds Avenue NE.*” The first part of the note references size restrictions in the CN, CV and CA zoning districts. However, the CV has no specific size restrictions, therefore this portion of note 22 does not relate to the CV zoning district. The second portion of the note restricts the location of fast food restaurants in the CN zoning district. However, as previously reflected, fast food restaurants are not permitted except as an accessory use, with the additional restriction of not being allowed to locate in the CN zoning district. Also, since part of this docket item relates to evaluating fast food establishments and including them as a separate retail use, this portion of the note could be removed since the zoning table would list the zoning districts where the use could be permitted. The last part of the note only pertains to the CV zone and not either the CN or CA zoning district, as it references the restriction of office and conference uses that have primary access from Edmonds Ave., in the CV zoning district. Therefore, this portion of the note should be separated from the first portion which references size restrictions and only relates to CN and CA zoning districts; whereas the last section only relates to the CV zoning district.

Adding “fast food establishments” as an individual retail use within the zoning table would imply that an evaluation of which zoning districts should permit these establishments as by-right uses. Currently, the IL, IM and IH zoning districts only permit fast food restaurants as an accessory use, similar to the CV, CA, CD, UC-N1 and UC-N2 districts. Note 22, currently restricts fast food related uses from being located in the CN zoning district and drive-in/ drive through retail uses are not permitted in the residential

zoning districts and also the CO and COR districts as they do not comply with the purpose of these districts.

**Feedback from the Commission -**

The Planning Commission outlined several concerns with the proposal of allowing for stand alone fast food retail as a permitted use in the CV, CA, CD, UC-N1 and UC-N2 zones. One of the major concerns dealt with the incidental use of drive-throughs that are largely predominant in a majority of franchise fast food restaurants, on a national level. This occurrence promotes auto oriented uses and therefore does not meet the intent of enhancing opportunities for pedestrian friendly areas in the CV and CD zones.

Therefore, after exploring some alternatives to solve the current discrepancy between note 22 and the definitions for “drive-in/ drive-through retail/ service” and “fast food restaurant”, one option may be to restrict permitting fast food restaurants through the use of notes. A consideration may be to permit stand-alone fast food restaurants as a permitted use in the CD and CV zones with a restriction that no associated drive-throughs may be permitted. Additionally, fast food would not be permitted in the CN, UC-N2, IM or IH zones. Fast Food restaurants would be permitted in the IL zone would with a restriction on all fast uses to be located within the Employment Area Valley and in the UC-N1 zone would be restricted through note 81. This would require that “*no stand-alone structures smaller than five thousand (5,000) square feet, except for pushcarts/kiosks, unless architecturally and functionally integrated into a shopping center or mixed use development*” and thereby ensure that a future fast food restaurant would be integrated into an existing larger development, if there was space available or ensure that the minimum size is achieved. Essentially, the only zone where fast food would be permitted as a stand-alone use with an associated drive through would be in the CA zone.

**COMPREHENSIVE PLAN COMPLIANCE:** These changes comply with the Comprehensive Plan policies for the CN, CV, CA, UC-N1, UC-N2, IL, IM and IH zoning districts. There are a number of Comprehensive Plan policies associated with these eight (8) zoning districts, policies LU-YY, LU-ZZ, LU-CCC, LU-DDD, LU-WWW, LU-YYY and LU-ZZZ. The policies encourage a diverse range of commercial and industrial activities; and revising existing development regulations to pursue the intent of permitting certain retail uses such as “fast food restaurants” as a by-right use, rather than merely as an accessory use, promote the intent of compliance with the comprehensive plan.

**CONCLUSION:** Revision of the development regulations to include “fast food restaurants” as a retail use within the zoning table as well as amending note 22 so it relates only to the pertinent zoning districts which have restrictions on building size limitations attempts to simplify existing code. Also, revising note 22 to relocate the portion of the note which only applies to office and conference uses in the CV zoning district as a distinct note 111, serves the purpose of removing references that do not apply in their entirety. Additionally, restricting elements of fast food retail that are not compatible with the intent of the CD and CV zones such as drive-throughs serve to enhance the underlying zones while increasing opportunities for compatible retail.